

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5547 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

ASST COMMISSIONER OF LABOUR

Versus

LABOUR COMMISSIONER

Appearance:

1. Special Civil Application No. 5547 of 1991
MR PM THAKKAR for Petitioner No. 1
MR RJ OZA for Respondent No. 1
..... for Respondent No. 2
-

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 01/02/2002

ORAL JUDGEMENT

By way of this petition, the petitioner has
prayed to quash and set aside the impugned promotion

order at Annexure-B superceding the petitioner in the matter of promotion to the post of Deputy Commissioner of Labour.

Reply affidavit is filed to this petition by Shri Bamaniya. In para of the reply affidavit, it has been stated that on 18.5.1983, 24.6.1987 and 22.12.1989 Departmental promotion Committee in its meetings unanimously decided that the petitioner Mr.Joshi was not fit for promotion to the post of Deputy Commissioner of Labour looking to his confidential reports and working performance. In that view of the matter, there is no question of setting aside the impugned promotion order at Annexure-B.

Before parting, it must be stated that on the basis of his confidential reports, the case of the petitioner was once again considered by Departmental Promotion Committee in its meeting held on 13.3.1996 and at that point of time the Committee thought it fit to give promotion to Mr.Joshi looking to his improved service record and, accordingly, he was given promotion with effect from 15.5.1996 as Deputy Labour Commissioner. In absence of any rejoinder to this, nothing can be done in the matter as more or less the grievance of the petitioner was redressed, of course late.

In view of the above discussion, this petition fails and is dismissed. Rule discharged. Interim relief, if any, granted earlier stands vacated. No order as to costs.

(B.J.Shethna, J.)

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